

EC-2000-007  
IV-D-171

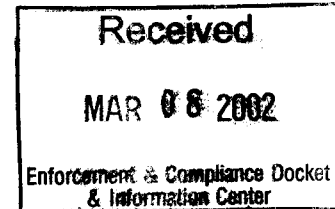


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February 25, 2002

United States Environmental Protection Agency  
Enforcement and Compliance Docket and Information Center  
Mail Code 2201A  
Attn: Docket Number EC-2000-007  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460



Subject: Establishment of Electronic Reporting; Electronic Records –  
Proposed Rule at 66 FR 46162

Dear Sir or Madam:

Appleton Papers Inc. thanks you for the opportunity to comment on this revolutionary rulemaking proposal. We are a 100% employee-owned company. Appleton Papers Inc. is the nation's largest producer of carbonless copy paper, the largest non-Japanese producer of thermal/fax paper, and a producer of other specialty grades of coated papers.

We are totally opposed to the rule as it was proposed for a number of reasons:

First, the Agency is proposing a solution for something that is not yet a problem. Specifically, a variety of samplings, analyses, records, and reports are required to be generated and archived for a host of parameters, under a spate of existing air, water, solid, hazardous, and other environmental regulations. The regulated community has been doing so for over twenty years without the benefit of USEPA's present proposal, and for the most part, our internal, third party and USEPA auditors have been satisfied with the systems of records that are found during such inspections. Ergo, this proposal is not needed.

Second, USEPA touts the proposal as being a "voluntary" standard. There is nothing voluntary about it. Virtually every piece of environmental data that is gathered at our facilities is processed by or stored in a computer system. Every letter that is written and every spreadsheet of data is processed on a PC. We could not achieve the level of compliance that we have today without the use of computers. A paper-only system of records would require too many man-hours of labor to maintain it. Where we need to know in "real time" whether or not we are meeting limits, a paper-only system will not provide the ability to achieve continuous compliance. In summary of this second point, this rule does not result in a "voluntary" standard for computer system records, since compliance would be impossible to achieve with a paper-only system.

Third, the potential cost of complying with the recordkeeping provisions in the proposal are staggering. There is no off-the-shelf software that we have been able to find that would accomplish what USEPA would require without considerable customization. The software that is available is very expensive (\$100,000 ++ per facility), and the customization usually adds five to ten times that amount of expense.

Fourth, there is no stated environmental benefit associated with this rule. It will not improve one stream segment, or prevent one spill.

Fifth, the only "benefit" that would accrue to the Agency would be the increased ease of prosecution of persons who were not complying with their other environmental requirements. If a person is not complying with his air permit, for example, what do you think is the likelihood of his complying with the computer record standard? If he is complying with neither, how much easier will the prosecution be than if he was only not complying with the air permit? In other words, the simplification of future prosecutions and the ability to obtain easier convictions, as a result of this rule, is a fiction. Only those in the regulated community who routinely try to comply with all of their requirements are likely to fully comply with this proposal, when it becomes final. For the vast majority of instances involving potential felonies, USEPA and DOJ will be forced to develop their case by performing discovery through lengthy interrogatories, just as they do today. Felons will not keep detailed, meticulous records of their crimes, whether in a paper system or in a computer system, in order to make prosecutions easier for the Agency.

The rule, as proposed, is seriously flawed, overly expensive, and will result in no environmental benefit. It should be scrapped in its entirety.

Sincerely,



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